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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE DISTRICT OF ARIZONA**

10 DORY EDWARDS GOSAR,

11 Plaintiff,

12 vs.

13 UNITED STATES OF AMERICA,

14 Defendant.

15 **COMPLAINT**

16 (Federal Tort Claims Act)

17 Plaintiff DORY GOSAR, by and through counsel undersigned, for her
18 Complaint against the Defendant alleges as follows:

19 1. At all times relevant herein, Plaintiff Dory Gosar was a married woman
20 and a resident of Maricopa County, Arizona.

21 2. Upon information and belief, Phoenix Indian Medical Center is, and at
22 all times relevant hereto was, owned and operated by the Indian Health Service, an
23 agency within the Department of Health and Human Services, a federal agency of
24 Defendant United States of America; and has caused events to occur in the State of
25 Arizona out of which the claim which is the subject of this complaint arose by virtue
26 of its vicarious liability for the actions and omissions of its agents, servants and/or
employees Delbert Thomas while in the course and scope of his employment.

1 3. This action arises under 28 U.S.C. § 2671 *et. seq.*, the Federal Court
2 Tort Claims Act and jurisdiction for this action arises under 28 U.S.C. § 1346(b).
3 Venue is proper within the District of Arizona pursuant to 28 U.S.C. § 1402 (b)
4 because all acts referred to herein occurred within the District of Arizona.

5 4. Defendant United States of America acting by or through its
6 agents/employees have caused acts or events to occur within the State of Arizona,
7 which acts or events form the basis for the cause of action set forth.

8 5. Defendant United States of America is responsible for the negligent acts
9 and/or omissions of its employees pursuant to 28 U.S.C. § 1346.

10 6. The amount in controversy in this matter exceeds the minimum
11 jurisdictional amount required for this Court's jurisdiction.

12 7. Plaintiff has provided Defendant United States with a proper and timely
13 notice of her claim pursuant to the provisions of 28 C.F.R. Part 14 and/or 28 U.S.C. §
14 2675.

15 8. The foregoing claim was deemed denied pursuant to 28 U.S.C. §
16 2675(a), and this action has been timely filed in accordance with the Federal Tort
17 Claims Act.

18 9. On or about December 11, 2019, on Indian School Road and its
19 intersection with North 9th Street in Phoenix, Arizona, there was a collision between
20 the vehicle being operated by the Plaintiff and the vehicle being driven by non-party
21 Delbert Thomas, while in the course and scope of his employment for Defendant
22 United States of America.

23 10. The above-mentioned collision was caused by the careless, negligent,
24 and unlawful acts and/or omissions of Delbert Thomas in the operation of the vehicle
25
26

1 he was driving while in the course and scope of his employment for Defendant United
2 States of America.

3 11. As a direct proximate result of the careless negligent, and unlawful acts
4 and/or omissions of the Defendant's employee, Plaintiff sustained severe and
5 disabling bodily injuries.

6 12. As a direct proximate result of said collision, Plaintiff has incurred
7 expenses in connection with medical care and treatment for her injuries and may incur
8 future medical expenses.

9 13. As a direct proximate result of said collision, Plaintiff has incurred
10 general damages arising out of pain, suffering, disability and injury to her body.


11 14. As a direct proximate result of said collision, Plaintiff has lost income
12 and her earning capacity has been diminished.

13 **WHEREFORE**, Plaintiff Dory Gosar prays for judgment against the
14 Defendant as follows:

- 15
- 16 1. For Plaintiff's special damages, including but not limited to expenses
 - 17 incurred for medical cares and treatment of her injuries;
 - 18 2. For Plaintiff's general damages;
 - 19 3. For Plaintiff's lost wages and for diminution of her earning capacity;
 - 20 4. For Plaintiff's costs incurred herein; and
 - 21 5. For such other and further relief as the Court may deem just and proper.

22 DATED this 18 day of November, 2021.

23
24 HASTINGS & HASTINGS, P.C.

25 
26 John C. Coste
Attorney for Plaintiff

1 ORIGINAL E-filed and COPIES mailed via certified mail or personal service this
2 19 day of November 2021, to:

3
4 UNITED STATES OF AMERICA
c/o United States Attorney Glenn McCormick
5 Two Renaissance Square, 40 N. Central Ave., Suite 1800
6 Phoenix, AZ 85004-4449

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8 UNITED STATES OF AMERICA
c/o the Hon. Merrick B. Garland
9 United States Department of Justice
10 950 Pennsylvania Ave. NW
Washington, DC 205320-0001

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13 By Alta Frazier
14 Alta Frazier
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